

Article - Alcoholic Beverages

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§26–202.

(a) (1) The County Executive shall appoint five members to the Board subject to confirmation by the Senate.

(2) (i) Within 60 days after nomination by the County Executive and not less than 7 days before a confirmation vote on a nominee is scheduled, the Prince George's County Senate Delegation shall hold a public confirmation hearing for an individual nominated to the Board.

(ii) If a candidate is nominated for the Board and is not confirmed by the Senate during the following session:

1. the seat shall be declared vacant; and
2. the County Executive shall nominate an individual to fill the vacancy.

(iii) A candidate who is not confirmed by the Senate may be renominated by the County Executive and confirmed by the Senate only during the following session.

(b) (1) A member shall be:

- (i) a resident and voter of the county; and
- (ii) a person of high character and integrity.

(2) Each member of the Board shall have:

- (i) legal experience;
- (ii) public safety experience;
- (iii) regulatory experience; or
- (iv) management experience.

(3) When evaluating an applicant for membership on the Board, the County Executive shall consider the need for geographic, political, racial, ethnic, and gender diversity on the Board.

(c) (1) In this subsection, “direct or indirect interest” means an interest that is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

(2) A member of the Board may not:

(i) have a direct or indirect interest in or on a premises in the State where alcoholic beverages are manufactured or sold;

(ii) have a direct or indirect interest in a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iii) own stock in:

1. a corporation that has a direct or indirect interest in a premises in the State where alcoholic beverages are manufactured or sold; or

2. a business wholly or partly devoted to the manufacture or sale of alcoholic beverages in the State;

(iv) solicit or receive a commission, remuneration, or gift from:

1. a person engaged in the manufacture or sale of alcoholic beverages or an agent or employee of the person; or

2. a license holder;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from a license holder.

(d) (1) In this subsection, “candidate”, “contribution”, and “political committee” have the meanings stated in § 1–101 of the Election Law Article.

(2) A member of the Board may not solicit or transmit a contribution for the benefit of a candidate or political committee from:

(i) a person engaged in the sale of alcoholic beverages in the county or an agent or employee of the person; or

(ii) a license holder.

(e) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) A member may not be appointed to more than three terms.

(f) (1) The County Executive shall appoint an eligible individual to fill a vacancy during the remainder of the term of office of the individual originally appointed in accordance with subsection (a) of this section.

(2) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(3) An appointment made to fill a vacancy is subject to a confirmation hearing by the Senate under subsection (a) of this section.

(g) (1) The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The County Executive shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the County Executive shall file with the Office of the Secretary of State a statement of charges against the member and the County Executive's findings on the charges.

(h) (1) If a member of the Board stops residing in or being a registered voter of the county, the member shall immediately forfeit the office as a license commissioner for the county.

(2) (i) A member of the Board may not serve in any other position of public office.

(ii) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, a member of the Board shall certify to

the County Board of Elections under oath that the individual is no longer a member of the Board.

(iii) The certification shall be accompanied by a letter addressed to the County Executive containing the resignation of the member from the Board.

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